

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

CLASS ACTION NOTICE FOR LEWIS V. CITY OF CHICAGO

*A federal court authorized this notice.
This is not a solicitation from a lawyer.*

BASIC INFORMATION

1. Why am I receiving this notice?

You are receiving this court-approved notice because records indicate that:

- You took the 1995 Chicago Firefighter Examination, administered by the City of Chicago, seeking to become a member of the Chicago Fire Department;
- Your score on that test was between 65 and 88,
- You identified yourself on the test application as an African American, and
- You did not advance to the next steps in the hiring process (a physical abilities test, background check, drug test and medical exam) or you advanced to and successfully completed those next steps but were not hired because the City stopped hiring applicants from the 1995 Test before hiring you.
- You are, as a result, a class member in a class action lawsuit, in which judgment was entered against the City of Chicago in federal court in Chicago, known as *Lewis v. City of Chicago*.

2. What do I get as a class member in this lawsuit, *Lewis v. City of Chicago*?

- On August 21, 2011, the court entered an order that requires the City: (a) to hire 111 African-American class members as candidate firefighters and (b) distribute tens of millions of dollars in backpay in equal shares among the class members who are not given an opportunity to be hired.



- As a class member, you are eligible to compete for one of the 111 jobs as a candidate firefighter, at the Chicago Fire Department Training Academy, that are reserved exclusively for class members in this lawsuit.
- As a class member, you are also eligible to receive a monetary award.
- No class member will get both a job and a monetary award. If you get the job, you will not get the monetary award and vice versa.
- Both the jobs and the monetary award are the result of a court judgment that has been entered against the City of Chicago. The court has held that the manner in which the City hired firefighters between 1996 and 2001, based on their scores on the 1995 Chicago Firefighter Examination, discriminated against African Americans.

3. If I want one of the 111 jobs, what should I do to make sure I'm considered for one of those positions?

Return the Interest Card enclosed with this Notice, postmarked no later than October 4, 2011, after filling in the box next to the words "I WANT to be considered for a candidate firefighter job." The first people to be invited for further screening for a job will be the ones who have returned the interest card indicating "I WANT to be considered for a candidate firefighter job." *Accordingly, if you want to be considered for a job, it is in your best interest to return the Interest Card after filling in the box next to the words "I WANT to be considered for a candidate firefighter job."*

Even if you are unable to return the Interest Card for any reason, you may, however, still be considered for one of the 111 jobs, but only after those who have returned the card are considered stating they want the job and only if insufficient numbers have returned the card stating that they want the job.

The first step in further screening for a job will be administration of the physical abilities test. Administration of that test, for those invited for further screening for a job, will begin on October 31, 2011 and will run through November 16, 2011.

4. I don't want a firefighter job any more. What should I do?

If you do NOT want one of the 111 jobs, you should return the Interest Card enclosed with this notice, postmarked no later than October 4, 2011, after filling in the box next to the words "I do NOT want to be considered for a candidate firefighter job." By returning the card with that box filled in, you will be giving up the opportunity to get a firefighter job, but you will still be entitled to a share of the monetary award when it is distributed.

Before starting training at the Chicago Fire Department Training Academy, all candidates must take and pass a physical abilities test, background check, drug test and medical exam. All candidates must also have a driver's license and, at the time they enter the Academy, reside in the City of Chicago. *If you will not be able to meet all those requirements, you should fill in the box next to the words "I do NOT want to be considered for a candidate firefighter job."* If you do so, you will still be entitled to a share of the monetary award when it is distributed.

5. If I am invited for further screening but I don't pass all the screens, will I still receive a share of the monetary award?

Yes.

GETTING A JOB

6. How will the Jobs Lottery be conducted?

All class members will have their names entered into a pool for the jobs lottery, except those who affirmatively opt out by returning an Interest Card with the box filled in next to the words "I do NOT want to be considered for a candidate firefighter job."

The Court has ordered the City to hire 111 class members as candidate firefighters to be trained at the Chicago Fire Department Training Academy. If your name is selected in the jobs lottery and you want to compete for one of the 111 jobs, you will have to undergo further screening, consisting of a physical abilities test, background check, drug test and medical exam.

It is not practical to administer screening to approximately 6,000 class members in order to hire 111 people. Therefore, under a plan approved by the Court, the City will create two lists, both in random order, of class members who are under consideration for a job. The first list will include all class members who returned an Interest Card with the box filled in next to the words "I WANT to be considered for a candidate firefighter job." The second list will include all other class members, except those who affirmatively opt out by returning an Interest Card with the box filled in next to the words "I do NOT want to be considered for a candidate firefighter job." Those at the top of the "interest card" list will be the first class members who will be invited, in rank order, to take the physical abilities test, which is the first step in further screening for a candidate firefighter job. It is estimated that at least 750 class members will be randomly selected to take the physical abilities test. Of those who pass the physical abilities test, 111 individuals ultimately will be admitted to the Chicago Fire Department Training Academy, after taking and passing the physical abilities test, background check, drug test and medical exam.

7. How long until people are actually hired?

The administration of the physical abilities test will begin on October 31, 2011 and will run through November 16, 2011. It is expected that the 111 hires will enter the Chicago Fire Training Academy by the end of March 2012.

8. I want a job. What should I do to prepare for the physical abilities test?

There are three things you should do now to prepare for the physical abilities test, in case you are one of the at least 750 class members selected at random in the jobs lottery to take that test.

First, you will need a medical clearance from your doctor. A copy of the required medical clearance form is enclosed with this notice. You should see your doctor to have your doctor fill out that medical clearance form now. *Second*, you can train and exercise. *Third* you can watch this YouTube video showing you how to prepare for the physical abilities test at: <http://www.youtube.com/user/ChicagoFD#p/u>. You can also watch the video at www.cityofchicago.org/fire under the Multimedia Gallery "Chicago Fire Department YouTube Channel." Or you can purchase a DVD of the video for \$3 at City Hall in Room 107 (Department of Revenue).

RECEIVING A SHARE OF THE MONETARY AWARD

9. How can I receive a share of the backpay award?

If your name is at the top of this notice, and you do not receive one of the 111 jobs, then you will receive a share of the backpay. You do not need to do anything right now to protect your eligibility to receive a share of the backpay money.

10. If I receive backpay money instead of a job, how much money will I get?

Nobody will receive both a job and a backpay award. Backpay awards are for class members who do not receive jobs, although a portion of the backpay funds will be set aside to make pension contributions for those who do receive a job.

The remaining backpay funds will be shared equally among all eligible class members. As a result, exactly how much you will receive will depend on how many other class members also come forward to claim their share. Our best estimate, however, is that every eligible class member will receive at least \$5,000.

11. When will backpay money be distributed?

The backpay money will not be distributed until after the 111 are hired and enter the Fire Academy. It is expected that the 111 hires will enter the Chicago Fire Training Academy by the end of March 2012, under the court's order.

THE LAWYERS REPRESENTING YOU

12. Do I have a lawyer in this case?

Yes. Two civil rights organizations and four private law firms are working together on this case and represent the entire plaintiff class, including you. The civil rights organizations are: The Chicago Lawyers' Committee for Civil Rights Under Law and the NAACP Legal Defense and Educational Fund, Inc. (LDF). You will not be charged to be represented by any of the lawyers who represent the class. These lawyers are called Class Counsel.

GETTING MORE INFORMATION

13. Where can I find out more about this case?

You can find out more about this lawsuit, *Lewis v. City of Chicago*, online at the website created to provide information to you and other class members about the lawsuit. That website is located at: www.cfd1995testlitigation.com. You can also watch this YouTube video showing you how to prepare for the physical abilities test at <http://www.youtube.com/user/ChicagoFD#p/u> OR at www.cityofchicago.org/fire, under the Multimedia Gallery "Chicago Fire Department YouTube Channel."